

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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VINCENT J. DE MAILLE,

Plaintiff,

- against -

ORDER ADOPTING REPORT AND  
RECOMMENDATION

06-CV-6196 (JS)(ARL)

NASSAU COUNTY, EDWARD REILLY,  
NASSAU HEALTH CARE CORPORATION,  
DR. KANTH, Medical Director  
of NHCC,

Defendants.

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APPEARANCES:

For Plaintiff: Vincent J. De Maille, Pro Se  
57 Spielman Ave  
Farmingdale, NY 11735

For Defendants:

Nassau County  
and Edward Reilly Jennean R. Rogers, Esq.  
Liora M. Ben-Sorek, Esq.  
Nassau County Attorney's Office  
One West Street  
Mineola, NY 11501-4820

NHCC, Dr. Kanth: Alexander V. Sansone, Esq.  
Troy & Troy  
382 Rosevale Avenue  
Lake Ronkonkoma, NY 11779

SEYBERT, District Judge:

On November 20, 2006, pro se Plaintiff Vincent J. De Maille filed a Complaint against Defendants alleging violations of 42 U.S.C. § 1983. On January 28, 2008, Plaintiff filed a motion to amend his Complaint to add another cause of action pursuant to 42 U.S.C. § 1983 for excessive force. This Court referred Plaintiff's motion to amend to Magistrate Judge Arlene R. Lindsay to report and recommend whether Plaintiff's amendment should be permitted. On

May 14, 2008, Magistrate Judge Lindsay recommended granting Plaintiff's unopposed motion to amend.

Pursuant to Rule 72 of the Federal Rules of Civil Procedure, any objections to the Report were to be filed with the Clerk of the Court within ten days of service of the Report. The time for filing objections has expired and no Party has objected. Accordingly, all objections are hereby deemed to have been waived. The Court ADOPTS the Report in its entirety and GRANTS Plaintiff's motion to amend.

On May 6, 2008, Plaintiff filed a second motion to amend to add facts related to Plaintiff's recent medical diagnoses. Defendants have not opposed Plaintiff's second motion to amend. Accordingly, the Court GRANTS Plaintiff's second motion to amend.

Plaintiff is directed to file an Amended Complaint within thirty (30) days of receiving this Order, incorporating Plaintiff's new allegations.

The Clerk of the Court is directed to mail a copy of this Order to Plaintiff via regular mail and certified mail, return receipt requested.

SO ORDERED

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York  
July 21, 2008